

Democratic Committee

Jay S. Jacobs

Matthew Cuomo First Vice Chair

Peter Ruffner

Chairman

Robert McDonald Vice Chair

Peggy Olstein Vice-Chair

Toby Nussbaum *Vice-Chair*

Catherine New Secretary

Eric Brown Treasurer

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Eleanor Sciglibaglio Leader, Town of Hempstead

Pat Coniglio
Leader, Town of
Oyster Bay

Joseph Galante Leader, Town of North Hempstead

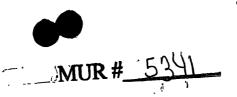
Eugene Cammarato Leader, City of Long Beach

Norbert Stemcosky Leader, City of Glen Cove

Jeffrey Stein
Executive Director

Marilyn Gottlieb Finance Director







Nove Mile NOV, 2002 3: 48

Office of the General Counsel Federal Elections Commission 999 E St., NW Washington, DC 20463

Dear General Counsel:

Pursuant to several provisions of the Federal Election Campaign Act, as amended, herein referred to as the Act, I wish to file multiple formal complaints against the Friends of Marilyn O'Grady congressional campaign, Identification Number C00375071, as well as the campaign's treasurer, Thomas Keller, and the candidate, Marilyn F. O'Grady. Mrs. O'Grady is a qualified candidate in the 4th Congressional District of New York.

- 1. The Act stipulates that an individual becomes a candidate for federal office when the designated campaign committee exceeds \$5,000.00 in either contributions or expenditures. On March 22, 2002, Dr. Marilyn O'Grady, herein referred to as the candidate, made a personal, unsecured loan in the amount of \$50,000 to her designated campaign committee, the Friends of Marilyn O'Grady, herein referred to as the Committee (See Attachment 1). This loan constitutes money raised and thus required the Committee to file a quarterly report for the first quarter of 2002 by April 15, 2002. In addition, on March 25, 2002, payment in the amount of \$7,500.00 was made by the Committee to Brendan Quinn Enterprises for campaign management (See Attachment 2). Either of these two transactions mandated that the Committee file the appropriate First Quarter, 2002, report, but in fact, no report was filed for the first quarter of 2002. This was not done despite the filing of a Statement of Organization by the Committee on March 21, 2002 (See Attachment 3).
 - 2. The Committee ultimately did file a report for the period through June 30, 2002. In this report, two personal, unsecured loans from the candidate, each in the amount of \$50,000.00 were listed. The first loan was made on March 22, 2002, as referenced to in paragraph 1, above (See Attachment 1), and the second loan was made on June 29, 2002 (See Attachment 4). Neither of these loans were listed on the appropriate form, but rather just as normal contributions.





- 3. Under the Act, committees are required to provide a 12 day pre-primary report that in the case of New York covered the period of July 1, 2002 through August 21, 2002. This report was due August 29, 2002. The Committee disregarded this obligation and on August 30th, the Federal Elections Commission (FEC) notified the Committee of its failure to file the pre-primary report (See Attachment 5). In its haste to meet its legal obligation, the Committee filed a report that covered the period of July 1st through August 30th nearly a week late.
- 4. In the pre-primary report that was ultimately filed late by the Committee, an expenditure in the amount of \$25,602.00 was made to McLaughlin and Associates for television ads (See Attachment 6). This is believed to be inaccurate in two ways. First, the Committee aired television ads during the first half of July that had to be paid for in advance. No expenditure is listed for this July television buy. Secondly, the fact that the date of the above noted expenditure coincides with the date the late report was filed makes the expenditure itself very suspect. One also must question the payment of the actual production costs of the ads as no expenditure is listed for this on any report.
- 5. The Campaign has filed only two reports and an amendment to date. Regardless of the fact that it missed the first quarter report entirely and the fact the preprimary report was late, there still remains another infraction relative to these and all other filings by the Committee. Under the Act, all committees with expenditures or receipts in excess of \$50,000.00 must file their reports electronically with the FEC. This regulation was effective January 1, 2002. The Committee has chosen to ignore this regulation in its entirety and chooses instead to provide only paper filings of its reports. On September 16, 2002, the FEC notified the Committee of its failure to comply with this regulation (See Attachment 7). In its telegram to the Committee, the FEC further stated that the Committee's paper filings do not satisfy a political committee's legal obligation to file. Based on this regulation, the result of filing a paper report is the same as not filing a report at all. Accordingly, the Committee should be found in violation of not making any reports to the FEC this year. To date, the Committee has chosen to ignore the September 16, 2002 FEC telegram and remains in violation of the Act and all relative FEC rules and regulations.
- 6. On October 1, 2002, a letter was distributed by Mr. Chuck Mansfield who listed himself as Chairman of Alumni for O'Grady, Five Birchwood Court, Suite 3C, Mineola, NY 11501-4516 (See Attachment 8 and 9). This letter went to more than fifty people who are alumni of Charminade High School in Mineola, New York and solicited funds for the Friends of Marilyn O'Grady campaign. The letter also listed the email address and the web site address of the Friends of Marilyn O'Grady campaign. Further, this letter was mailed in envelopes with the return address listed as the address for the Friends of Marilyn O'Grady Committee and presumably paid for by the Committee. Despite all of the obvious involvement of the Committee in the production and distribution of the letter, no disclaimer indicating who paid for the mailing, or any authorization by the Committee appears on the letter. I believe this is a clear violation of law.





Based on the facts I have provided above, I respectfully request the Federal Elections Commission take immediate action against the Friends of Marilyn O'Grady congressional campaign, Mr. Thomas Keller, Treasurer, and Mrs. Marilyn O'Grady, candidate. Blatant disregard for the law to this level cannot be tolerated.

Thank you for your immediate consideration of this matter.

Sincerely yours,

Chairman

Nassau County Democratic Committee

STATE OF NEW YORK

)ss.:

COUNTY OF Nossa

Subscribed and sworn to before me on this Anday of Novem

, 2002.

NOTARY PUBLIC

Grace Mlata
Notary Public, State of New York
No. 01Ml6054246
Qualified in Suffolk County
Commission Expires Jan. 29, 2003

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ATTACHMENT 2

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FEC FORM 1

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FRIENDS OF MARILYN F GORADT

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734 STEWART AVENUE

GARDEN CITY

11530

CITY 4

STATE

ZIP CODE 4

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COMMITTEE'S WEB PAGE ADDRESS (URL)

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FEC Form 1 (Revised 1/01)		Page 2
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Advisory Opinion Request

AOR 2002-12

Disaffiliation of SSFs of health insurance companies (American Medical Security, Inc., September 9, 2002) ♦

Alternative Dispute Resolution

ADR Program Update

The Commission recently resolved two additional cases under the Alternative Dispute Resolution (ADR) program. The respondents, the alleged violations of the Federal Election Campaign Act (the Act) and the penalties assessed are listed below.

- The Commission dismissed the matter concerning the Idaho Christian Coalition after the ADR office determined that the allegations of the complaint, regarding prohibited corporate and in-kind contributions, were unsubstantiated. (ADR 030; MUR 5070)
- 2. The Commission reached agreement with Engle for Congress, its treasurer, Debby Linhardt, and Michael Feinstein concerning excessive contributions. Engle for Congress and its treasurer acknowledged that an inadvertent software error resulted in their violation of the Act, but that they refunded the excessive contribution upon discovering it. The committee and its treasurer agreed to pay a \$1,000 civil penalty and to attend an FEC-sponsored seminar for candidate committees. Mr. Feinstein acknowledged that he had unintentionally made the excessive contribution and agreed to pay a \$500 civil penalty. (ADR 060; MUR 5214)◆

-Amy Kort

Compliance

Nonfilers

The campaign committees of the candidates listed below failed to file required campaign finance reports. The Federal Election Campaign Act requires the Commission to publish the names of principal campaign committees if they fail to file 12 day

pre-election reports or the quarterly report due before the candidate's election. 2 U.S.C. §§437g(b) and 438 (a)(7). The agency may also pursue enforcement actions against nonfilers and late filers under the Administrative Fine program on a case-by-case basis. •

—Amy Kort

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Christian-Christensen, Donna M.	House, VI	Pre-Primary
Farrin, James	House NY/08	Pre-Primary ¹
Fisher, Ada M.	Senate NC	Pre-Primary 1
Gonzaga, Luiz	House MA/10	Pre-Primary
Goss, Porter J.	House FL/14	Pre-Primary ²
Lawrence, Robert I.	House WA/06	Pre-Primary
O'Grady, Marilyn F.	House NY/04	Pre-Primary ²
Parke, Gregory T.	House VT/01	Pre-Primary
Pina, Albert R.	House AZ/07	Pre-Primary
Skorski, Alan	House NY/04	Pre-Primary
Thomas, Deborah	House AZ/06	Pre-Primary
Xuna, John (AKA Juan)	House FL/22	Pre-Primary

¹ This candidate's committee filed a Pre-Primary report with insufficient coverage dates.

² This candidate's committee is required to file electronically, but instead filed a paper copy of the report. Electronic filers who file on paper are considered nonfilers.

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ATTACHMENT 5

THOMAS KELLER FRIENDS OF MAKELYN F OGRADY 734 STEMART AVENUE GARDEN CITY NY 11530

Foderal Election Commission

999 E Street Mr Rm 706 Washington, oc 20463

August 30, 2002

IDENTIFICATION NUMBER: CO0375071

REFERENCE: 12 DAY PRE-PRIMARY REPORT (07/01/2002 - 08/21/2002)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION CORMISSION THAT YOU MAY HAVE FAILED TO FILE THE ASOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION COMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

YOU WILL BE ALLOWED FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION. THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SERVETE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 FOR SENATE CANDIDATES, A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. IF YOU HAVE FILED THE REPORT TIMELY BY WRITING, OF THE CERTIFIED OR REGISTERED MAIL, ALEASE NOTIFY US IMMEDIATELY, IN WRITING, OF THE CERTIFIED OR REGISTERED HUNBER AND THE DATE THAT THE REPORT WAS SENT.

WRITING, OF THE CERTIFIED OR REGISTERED NUMBER AND THE CATE THAT THE REPORT WAS SERT.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION, THE CIVIL MONEY FEMALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT MICHAEL N. YOUNG IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800)424-9580. OUR LOCAL NUMBER IS (202)694-1130,

SINCERELY,

JOHN D. GIBSON ASSISTANT STAFF DIRECTOR REPORTS ANALYSIS DIVISION





SCHEDULE B (FEC Form 3)

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FRIENDS OF MARILYN F. D'ORADY
154 STENARI AVE
SARDEN CITY NY 11530-4710

FECERAL ELECTION COMMISSION DAYNA BROWN # 700 999 E ST NN # 700 WASHINGTON DC 20463

SEPTEMBER 16. 2002

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1DENTIFICATION NUMBER: CO0375071

REFERENCE: JULY QUARTERLY AND 12 DAY PRE PRIMARY REPORTS 4 03/11/2002 - 08/21/2002)

DEAR TREASURERS

YOUR CORRITTEE MAS FAILED TO FILE THE ABOVE-REFERENCED REPORTS IN AN ELECTRONIC FORMAT. IN ACCURDANCE WITH 11 C.F.R. 104-18141112 YOU ARE REQUIRED TO FILE THESE REPORTS, AND ALL SUBSEQUENT REPORTS FOR THE CALENDAR YEAR, ELECTRONICALLY. 11 C.F.R. 104-1614123 FURTHER STATES THAT REPORTS FILED ON PAPER DO NOT SATISFY A POLITICAL COMMITIES'S FILING OBLIGATION. YOUR REPORTING OBLIGATION WILL NOT BE SATISFIED UNYLL YOU FILE THE ABOVE-REFERENCED REPORT IN AN ELECTRONIC FORMAT.

IP YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAYNA C. BROWN IN THE REPORTS AMALYSIS DIVISION ON CUR TOLL FREE MUNEER (500) 424-9530. OUR LOCAL NUMBER IS (201) 694-1130.

SINCERELY.

JOHR D. GIASON ASSISTANT STAFF DIRECTOR REPORTS ANALYSIS DIVISION